

TITLE 11. DEPARTMENT OF JUSTICE NOTICE OF PROPOSED RULEMAKING

The Department of Justice (“Department” or “DOJ”) proposes to amend Sections 968.44 and 968.46 of Division 1, Title 11 of the California Code of Regulations (CCR) regarding handgun chamber load indicators and magazine disconnect mechanisms after considering all comments, objections, and recommendations regarding the proposed action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Penal Code sections 12125 and 12126, only handguns that are on a DOJ roster of handguns identified as not “unsafe” can be sold by licensed firearms dealers in this state. Beginning January 1, 2006, these laws also mandate that in order to be placed on the DOJ roster (handguns already on the roster are excluded), rimfire semiautomatic pistols must have a magazine disconnect mechanism, and center-fire semiautomatic pistols must have either a chamber load indicator or a magazine disconnect mechanism. On January 1, 2007, center-fire semiautomatic pistols will be required to have both a chamber load indicator and a magazine disconnect mechanism. The proposed regulations amend 11 CCR Sections 968.44 and 968.46 to provide specific criteria which semiautomatic pistols must meet to comply with the new requirements relative to chamber load indicators and magazine disconnect mechanisms.

Section 968.44 Testing Procedures

Currently, this section establishes various procedures that DOJ certified laboratories must follow when conducting handgun safety tests. The proposed amendment provides specifications for chamber load indicators and magazine disconnect mechanisms. Additionally, before a handgun can be submitted to the DOJ for placement on the handgun roster, certified laboratories must confirm that the handgun’s chamber load indicator and/or magazine disconnect mechanism continues to function after completion of the safety testing.

Section 968.46 Required Records, Retention Periods, Reporting Changes

Currently, this section specifies the handgun safety test information that DOJ certified laboratories must record, report, and maintain. The proposed amendment will require the record keeping information to include a statement confirming the presence of any required chamber load indicator and/or magazine disconnect mechanism.

AUTHORITY AND REFERENCE

Authority: Penal Code sections 12126, 12130, and 12131.

Reference: Penal Code sections 12125, 12126, 12127, 12129, 12130, and 12131.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on May 24, 2005. Only comments received at the Department offices by that time will be considered.

Please submit written comments to:

Mail: Jeff Amador, Field Representative
Department of Justice
Firearms Licensing and Permits Section
P.O. Box 820200
Sacramento, CA 94203-0200
or
Email: jeff.amador@doj.ca.gov

PUBLIC HEARING

The Department will hold a public hearing at 10:00 a.m. on Tuesday, May 24, 2005 for the purpose of receiving public comments regarding the proposed regulatory action. The hearing will be held in a wheelchair accessible room in the EDD/Sacramento Works Mark Sanders Complex located at 2901 50th Street, Sacramento, California. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons who make oral comments also submit a written copy of their testimony at the hearing.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following determinations:

Mandate on local agencies or school districts: None

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: Firearm manufacturers who want their handguns sold in California might incur some undetermined initial cost in designing/manufacturing their handguns in accordance with the new requirements. However, such costs would be the result of having to comply with the standards mandated by the new law (12126 PC), not the proposed regulations which simply provide specifications needed for implementation of the law.

Significant effect on housing costs: None.

Small business determination: The Department has determined the proposed amendments do not affect small business. This determination is based on the fact that the proposed amendments do not place any additional cost burden on small businesses nor their customers. Furthermore, as stated above, to the extent firearm manufacturers are affected, it would be due to the law that mandates the new standards, not the proposed regulations.

Assessment regarding effect on jobs/businesses: The proposed amendments will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses doing business within California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Department invites any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations to do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to Jeff Amador at (916) 227-3661. The backup contact person is Stephanie Torres at (916) 227-5362. The mailing address for Jeff Amador and Stephanie Torres is:

Department of Justice
Firearms Licensing and Permits Section
P.O. Box 820200
Sacramento, CA 94203-0200

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The initial statement of reasons and the text of proposed regulations are currently available at the DOJ website at <http://caag.state.ca.us/firearms/regs/>. You may also obtain copies by contacting Stephanie Torres at the telephone number or address listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. The Department will accept written comments on the modified text for 15 days after the date on which they are made available. Copies of any modified text will be available from the DOJ website at <http://caag.state.ca.us/firearms/regs/>. You may also obtain a written copy of any modified text by contacting Stephanie Torres at the telephone number or address above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available at the DOJ website at <http://caag.state.ca.us/firearms/regs/>. You may also obtain a written copy of the final statement of reasons by contacting Stephanie Torres at the telephone number or address above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in strikeout format, as well as the Final Statement of Reasons once it is completed, can be accessed through the DOJ website at <http://caag.state.ca.us/firearms/regs/>.